

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRANDON TERREL,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:24-cv-00227-NODJ-SAB

ORDER VACATING FINDINGS AND
RECOMMENDATIONS; DENYING
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS AS MOOT; AND DIRECTING
CLERK OF THE COURT TO ISSUE
SUMMONS AND SERVE DEFENDANT
UNDER E-SERVICE PROGRAM

(ECF Nos. 4, 6)

On February 21, 2024, Brandon Terrel (“Plaintiff”) filed the complaint in this action seeking judicial review of the final decision of Defendant Commissioner of Social Security (“Defendant”) denying an application for benefits under the Social Security Act. (ECF No. 1.) Plaintiff also filed an application to proceed *in forma pauperis* on the same day. (ECF No. 2.) On February 24, 2024, the Court denied the application without prejudice and ordered Plaintiff to file a long form application. (ECF No. 3.) On February 26, 2024, Plaintiff filed a long form application. (ECF No. 4.) On February 27, 2024, issued findings and recommendations recommending the application to proceed *in forma pauperis* be denied. (ECF No. 6.)

On March 5, 2024, Plaintiff paid the filing fee. Therefore, the Court finds it appropriate to withdraw the findings and recommendations and deny Plaintiff’s *in forma pauperis*

1 application as moot. The parties are hereby directed to paragraph 1 of the scheduling order to be
2 issued in this action, which provides that service of the Defendant shall proceed under the
3 Court's E-service program.

4 Accordingly, IT IS HEREBY ORDERED THAT:

- 5 1. The findings and recommendations issued on February 27, 2024 (ECF No. 6), are
6 WITHDRAWN;
- 7 2. Plaintiff's application to proceed *in forma pauperis* filed February 26, 2024 (ECF
8 No. 4), is DENIED as moot;
- 9 3. The Clerk of Court is DIRECTED to issue a summons and new case documents;
10 and
- 11 4. The Clerk of Court is DIRECTED to deliver to the Commissioner of Social
12 Security Administration and the United States Attorney's Office at their
13 designated email addresses, a notice of electronic filing of this action along with
14 the summons and complaint.

15 IT IS SO ORDERED.

16 Dated: March 6, 2024

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18 UNITED STATES MAGISTRATE JUDGE